

The term Person is derived from the Latin word 'Persona' it means those who are recognized by law as being capable of having legal rights and duties.

Definition:

1) Salmond - "A person is any being whom the law regards as capable of rights and bound by legal duties.

2) Savigny defines the term person as the subject or bearer of a right.

3) According to Gray A person is an entity to which rights and duties may be attributed.

4) According to Austin the term 'person' includes physical or natural person including every being which can be deemed human.

According to Section 11 of the Indian Penal code the word person includes any company or association, or body of Persons, whether Incorporated or not.

Kinds of Persons:

There are two kinds of persons are as follows

I) Natural persons

II) Legal persons (legal persons are also known as juristic, fictitious or artificial persons)

I) Natural Person:

A natural person is a human being possessing natural personality. According to Holland, a natural person is a human being as is regarded by the law as capable of rights and duties. Requisite of normal human being is that he must be born alive moreover; he must possess essentially human characteristics. Generally a person/human being who has a capacity to sue and be sued is person.

II) Legal persons / Artificial persons:

A legal person has a real existence but its personality is fictitious. A fictitious thing is that which does not exist in fact but which is deemed to exist in the eye of law.

Example: Company or corporation, idol etc.

Legal status of Dead Person:

Dead persons have no legal personality and hence, cannot sue and be sued. Dead men are no longer persons in the eye of law. Legal personality of a person dies with his person. They do not remain the owners of their property until their successors enter upon their inheritance. When a person dies leaving Will, his property is distributed according to the Will. Law recognizes and takes account after the death of the person of his desires and interest when alive. There are three things in respect of which the anxieties of living men extend even after their death. Those are his body, his reputation and his property.

1) His Body:

A living person is interested in the treatment to be given to his own body. A person is interested in a decent funeral and good burial. Criminal law secures a decent burial for all dead persons and the violation of a grave is a criminal offence. It is because to the respect the feelings of the relatives of a dead person, not in protection of dead person are right.

2) His reputation:

Everyone is interested in maintaining reputation even after death. The reputation of a dead person receives some degree of protection from the criminal law. Defamation suit can be filed for loss of reputation of a dead person. If the publication is an attack on the internet of living persons, as a matter of fact, this right is in reality not that of the dead person but of his living descendants.

3) His Property/ Estate:

A man is dead but his hand may continue to regulate and determine the enjoyment of the property he owned while he was alive. He can dispose of his property by WILL. when a person dies intestate (dies living will) the property is distributed according to the WILL.

Legal Status of Unborn Person

Generally an unborn person has no legal standing in the eyes of law. However it has to be distinguished from the one who is living but not yet born, i.e., a child in womb of its mother-in utero and an unborn child in the sense of future generations.

A child in the uterus is regarded as a person in law in accordance with the maxim

“Nascitures Pro Ham Nato Habetur i.e. One who is to be born is deemed to have been born”.

Contingent rights: The rights of an unborn person, whether personal or proprietary, are all contingent on his birth as a living human being.

Damages: damages can be claimed for injury to the fetus of a woman if the woman was known to be pregnant.

Posthumous child can claim compensation for the death of his father in fatal accident.

In Hindu law unborn son acquires an interest in the joint family property from the time of its conception.

In English law a posthumous child inherits and if born alive though it may die moments later it affects the course of succession.

A woman convicted cannot be executed if she is pregnant.